IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

And
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 10728 of 2004

Between:

1 The Director General of Police, A.P. Hyderabad.
2 The Inspector General of Police (Trg) A.P. Hyderabad.
3 The Commandant, 8th Bn APSP, Kondapur, Hyderabad.

..... PETITIONERS

AND

Sri M. Bala Raju, s/o Laxman,
8th Bn APSP, Kondapur, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or directions more particularly one in the nature of Writ of Certiorari calling for the records connected with order dated 21-11-03 in O.A.No. 9530/02 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and to quash the same as erroneous and contrary to law.

Counsel for the Petitioners: GP FOR SERVICES I

Counsel for the Respondent: Ms. B.Kavita Yadav

The Court made the following :

ORDER: (Per Hon'ble Sri Justice Goda Raghuram)

The respondent herein, who was appointed as Police Constable on 28-03-2002, was sent for training on 1-4-02. While undergoing training, he developed swelling in his right ankle and went for treatment on 2-5-02. After taking necessary treatment, he reported back to the duty on 8-5-02 accompanied by medical certificate. The Authority did not permit the respondent to resume his training, but referred the matter to the 2nd petitioner herein. Eventually, the 2nd petitioner directed the 3rd petitioner to terminate the services of the respondent and by proceedings dated 10-9-02, discharged the respondent herein from training on 2-5-02 for his misconduct during the training period namely absenting for more than seven days unauthorizedly.

Aggrieved by the said proceedings, the respondent herein filed O.A.No.9530 of 2002 before the A.P. Administrative Tribunal. The Tribunal allowed the said O.A. on a conclusion that the punishment of discharge was grossly disproportionate to the misconduct of unauthorized absence from duty on account of swelling to the leg,

which was caused during the course of training. The conclusion of the Tribunal impugned in this Writ Petition suffers from no infirmity in the application of law or discretion, warranting interference in this Writ Petition.

Accordingly, the Writ Petition is dismissed. In the circumstances, no costs.

J.CHELAMESWAR, J

GODA RAGHURAM, J

BSS/PVSN

Assistant REGISTRAR

// TRUE COPY //

SECTION OFFICER

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